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KLEIN ONEILL AND SINGH

JAN 28 2005

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 612-07-CIP-H
Applicant(s): Dean Schaefer et al			
Application No. 10/043,947	Filing Date 01/11/2002	Examiner Uyen T. Ho	Group Art Unit 3731
Invention: Microcoil Vaso Occlusive Device with Multi-Axis Secondary Configuration			
<p>I hereby certify that this <u>1 Page transmittal and 2 page response to restriction requirement</u> <i>(Identify type of correspondence)</i></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703 872 9306</u>)</p> <p>on <u>01/28/05</u> <i>(Date)</i></p> <p style="text-align: right;"> <u>Richa Dhindsa</u> <i>(Typed or Printed Name of Person Signing Certificate)</i> <u>Richa Dhindsa</u> <i>(Signature)</i> </p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 612-07-CIP	
In Re Application Of: Dean Schaefer et al					
Application No. 10/043,947	Filing Date 01/11/2002	Examiner Uyen T. Ho	Customer No. 22145	Group Art Unit 3731	Confirmation No. 7088
Title: Microcoil VASO-OCCLUSIVE DEVICE WITH MULTI AXIS SECONDARY CONFIGURATION					
<u>TO THE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE:</u>					
Transmitted herewith is: 2 Page Restriction requirement response					
in the above identified application.					
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 11-1159 as described below. <div style="margin-left: 40px;"> <input type="checkbox"/> Charge the amount of _____ <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required. </div> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 Signature			Dated: Jan. 28, 2005		
Howard J. Klein Klein, O'Neill & Singh, LLP 2 Park Plaza, Suite 510 Irvine, CA 92614 Tel: 949 955 1920 Fax: 949 955 1921			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence </div>		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean Schaefer et al.)
Application Number: 10/043,947)
Filed: January 11, 2002)
Group Art Unit: 3731)
Examiner: Uyen T. Ho)
For: MICROCOIL VASO-OCCLUSIVE)
DEVICE WITH MULTI-AXIS)
SECONDARY CONFIGURATION)

CERTIFICATE OF MAILING	
I hereby certify that this document is being deposited on January 28, 2005 with the U.S. Postal Service as First Class Mail under 37 C.F.R. 1.8 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 872-9306.	
_____ <i>Signature of Person Mailing Correspondence</i>	
_____ <i>Typed or Printed Name of Person Mailing Correspondence</i>	
Date of Signature: <u>January 28, 2005</u>	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In the action mailed January 11, 2005, the Examiner determined that the amended claims filed in response to the first Office Action on the merits are directed to six (6) patentably distinct species, as follows: Species I (Fig. 12); Species II (Fig. 13); Species III (Fig. 14); Species IV (Fig. 15); Species V (Fig. 16); and Species VI (Fig. 17). The Examiner accordingly imposed a restriction/election requirement, requiring applicant to elect one of the designated species.

In response to the restriction/election requirement, applicant elects Species IV (Fig. 15). This election is made without traverse.

The following claims read on the elected species: 1-3, 9, 12-17, 20, 21, 23, 26-34, and 39-41.

The Examiner has determined that Claim 1 is generic to all species. Applicant contends that the following claims are also generic: 14-17, 20, 28-34, and 39-41.

It is noted that this application was filed on January 11, 2002, and has thus been pending more than three years. A first Office Action on the merits was mailed on July 20, 2004, and a

response was mailed on October 20, 2004. An expeditious examination of the elected claims is therefore earnestly solicited.

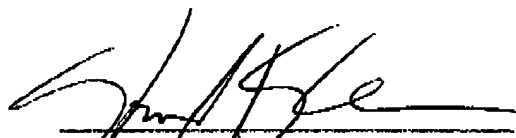
It is respectfully submitted, as discussed in applicant's amendment mailed October 20, 2004, that all of the pending claims, as amended, are allowable over the art of record. Should any of the generic claims be allowed, an examination on the merits of the claims directed to the non-elected species is respectfully requested.

The examiner is respectfully requested to telephone the undersigned attorney if there are any issues that may be more expeditiously resolved by a telephonic interview.

In summary, an expeditious examination of claims 1-3, 9, 12-17, 20, 21, 23, 26-34, and 39-41 is respectfully requested, and upon the allowance of any of the above-noted generic claims, applicant respectfully requests the examination of the remaining claims, directed to the non-elected species.

Respectfully submitted,

Date: January 28, 2005



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Attorney Docket No. 612-07-CIP